

# **Citywide Rezoning Petition Ordinance as Adopted**

## **Part II – Adjustments to Amount of Development Allowed**

### **b. Inclusion of Structured Parking in FAR**

## **Part II – Adjustments to the Amount of Development Allowed**

### **b. Inclusion of Structured Parking in FAR**

A. Amend the definition of “Gross Floor Area” in Article 2.000 so that it reads as follows.

*Floor area Gross.* The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls [except in (8) and (9) below where only interior space shall be measured and in (h) where the area of the parking facility shall be measured] of a building or the centerline of party walls between buildings.

Gross Floor Area shall include:

- (a) roofed porches and balconies whether enclosed or unclosed.
- (b) unroofed porches and balconies above third floor;
- (c) elevator shafts and stairwells on each floor, not excluded in (6) below;
- (d) attic space, whether finished or unfinished, within the area of a horizontal plane that is five (5) feet above the attic floor and which touches the side walls and/or the underside of the roof rafters and which is not excluded in (5) below.
- (e) interior balconies, mezzanines, and penthouses;
- (f) basement and cellar areas not excluded in (1), (3), and (9) below.
- (g) area of parking facilities in structures except as excluded in (2) below; and
- (h) any accessory parking spaces not in above ground structures if in excess of the maximum number permitted on the premises as set forth in Sections 5.25 and 6.30.

Gross Floor Area shall not include:

- (1) areas used for off street loading purposes;
- (2) area of parking facilities in structures located underground and the area of on grade open parking spaces outside the building footprint at or below the maximum number permitted on the premises as set forth in Sections 5.25 and 6.30;
- (3) basement and cellar areas devoted to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;
- (4) open and lattice-work fire escapes;
- (5) unroofed porches and balconies no higher than the third floor;
- (6) attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building;
- (7) elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;

- (8) attic space not otherwise included in (d) above.
- (9) basement and cellar spaces with less than seven (7) feet of ceiling height measured from the floor to the line of the bottom of the floor joists, or to any subfloor or finished surface above any floor joists that are spaced not less than four (4) feet on center, and further provided that the basement or cellar is not a Story Above Grade as defined in the State Building Code.

In a building with more than two floors, the area of each floor level of any interior courtyard whether or not covered by a roof, which has a minimum dimension of less than forty (40) feet in any direction shall be included unless twenty (20) percent or more of the perimeter of such court yard at each floor level measured consecutively is not enclosed.

B. Amend Section 5.25 – FAR Exceptions so that it reads as follows.

5.25 FAR Exceptions for Parking and Loading Facilities

5.21.1 *Loading Facilities.* Areas used for off-street loading purposes shall be exempt from the requirements as to Floor Area Ratio but shall conform to all other requirements of the district in which it is located.

5.25.2 *Parking Facilities in Structures.* The floor area of an underground parking garage and the floor area of the underground portion of a structure devoted in whole or in part to parking automobiles, shall not be counted as Gross Floor Area and shall be exempt from the requirements as to floor area but shall conform to all other requirements of the district in which it is located. All other parking in structures shall be subject to the requirements as to Floor Area Ratio.

5.25.21 *Area of Parking Facility.* For the purposes of this Section 5.25 the area of parking in a structure shall include all parking spaces, access drives, aisles and other elements of the parking facility and shall include any portion of a parking facility located at grade beneath a building but not otherwise enclosed.

5.25.22 *Definition of Underground.* For the purposes of this Section 5.25 only, “underground “ shall mean either of the following:

- (1) The location of the entire parking facility below the finished grade of the ground abutting the structure, or the underground portion thereof, which grade is maintained naturally without any structural support. No more than two access drives, which in combination total no more than 30 feet in width, shall be permitted to be above the finished grade and still be considered to be located underground.

- (2) The location of a portion of the facility above finished grade to the following extent: (1) the mean height of that portion of the parking facility above finished grade around the entire perimeter of the facility does not exceed four (4) feet, which grade is maintained naturally without any structural support (in no case, however, shall the height above mean grade for that portion of the facility facing a public street exceed four feet), and (2) the roof or top of the facility shall be either set beneath other, non-parking facility portions of the structure, landscaped or otherwise finished to serve as a pedestrian plaza, open space amenity, recreation area or pedestrian circulation. The height above mean grade shall be measured to the roof of the facility, or to the ceiling should the facility be set entirely below other non-parking elements of a building.

5.25.3 *Exemption for Existing Parking Facilities.* Structured parking facilities in existence on or before September 15, 2000, or constructed and occupied at a later date pursuant to a building or special permit in conformance with all provisions of Chapter 40A issued prior to the effective date of the provisions of this Section 5.25, shall not be subject to the requirements as to Floor Area Ratio.

5.25.3 Exceptions to the Provisions of this Section 5.25

5.25.41 *Exemption for Residential Parking Spaces.* Notwithstanding the provisions of Section 5.25.2 above, the following structured parking located above ground, accessory to a residential use, shall not be calculated as part of the Gross Floor Area on the lot:

- (1) One parking space located within a townhouse unit or a one, two or three family dwelling.
- (2) A freestanding parking structure containing no more than one parking space per dwelling unit up to a maximum of three parking spaces on a lot containing a one, two or three family dwelling.
- (3) One parking space per dwelling unit, up to a maximum of fifteen (15) spaces, for multifamily dwellings.

5.25.42 Where an above ground parking facility in a structure is proposed to be constructed (a) in the 100-year flood plain, identified as the Zone A flood hazard area (See Section 11.70), or as determined by credible evidence and calculations from a registered professional engineer or (b) on a contaminated site that is listed by the Massachusetts Department of Environmental Protection under the Massachusetts Contingency Plan (310 CMR 40.00) with a Release Tracking Number and has been tier classified,

the Planning Board may grant a special permit to waive the limitations of this Section 5.25 so that the parking facility is not subject to the requirements in this Ordinance as to Floor Area Ratio provided only the minimum number of parking spaces required for the uses on the site are provided. In granting such a special permit, the Planning Board shall find the following:

(1) Where in a flood hazard area, the construction of a parking facility underground is (a) not technically feasible due to the requirements of the Massachusetts Wetlands Protection Act (M.G.L. ch. 131, s.40), (b) would require construction that would violate requirements or limitations of the Massachusetts Wetlands Protection Act, (c) would, in the view of the Cambridge Conservation Commission, seriously compromise the wetlands protection objectives of the Massachusetts Wetlands Protection Act), and (d) would result in costs of construction that are significantly greater than would otherwise be typical for the location were it not in a flood hazard area; or

(2) Where the site is contaminated, the construction of a parking facility underground (a) would, in the opinion of a Licensed Site Professional, pose significant risks to public health or the environment through disturbance of hazardous materials and could not be reasonably mitigated in accordance with state and federal regulations, (b) require construction that is prohibited by state or federal regulations related to hazardous wastes, ~~or~~ and (c) would result in costs of construction that would render the project financially unfeasible; and

(3) The above ground facility is designed so as to reduce its actual or perceived bulk through, among other possible techniques, limiting the number of parking spaces it contains, placement of portions of the facility below grade where feasible, or its location relative to actively occupied portions of the construction. Construction above grade is discouraged that would increase the amount of impervious area on the lot.

C. Amend Sections 6.31.1 and 6.31.3 so that it reads as follows.

- 6.31.1 The schedule of parking requirements in Subsection 6.36 specifies the unit of measure requiring the provision of one parking space. Square footage requirements are geared to gross floor area. Each unit of measure, however, shall specifically not apply to any Gross Floor Area devoted to parking facilities, which shall not require the provision of any accessory parking.
- 6.31.3 Any parking spaces provided in excess of the maximum requirements specified in Section 6.36 shall be counted in determining Gross Floor Area. In such cases a proportional share of the entire parking facility (not only the area of the spaces) shall be credited toward Gross Floor Area. The area counted as Gross Floor Area shall be determined by

multiplying the total area of the parking facility by the percentage that the proposed number of spaces exceeds the maximum allowed number of spaces.

D. Amend Sections 11.106 and 11.304.5 so that they read as follows.

11.106 Use Restrictions. The ground (first) floor of that portion of a building facing a public street or public park shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), retail business (Section 4.35), Institutional (Section 4.33), but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, meeting the following conditions:

- a. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four feet (4) above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;
- b. The use shall have a depth of at least twenty (20) feet;
- c. Where a lot fronts on two streets the provisions of this Section 11.106 shall apply only to the principal arterial street frontage provided the remainder of the ground floor of the building facing the public street shall be screened with a permanent wall in materials equal in quality to those of the rest of the building and having a minimum opacity of fifty (50) percent.
- d. One parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 11.106.

11.304.5 Use Limitations and Restrictions. In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Central Square Overlay District:

- a. Ground Floor Restrictions.

The ground (first) floor of that portion of a building facing or abutting Massachusetts Avenue and/or Main Street and which is on a lot which shares a common lot line with Massachusetts Avenue or Main Street shall consist of Gross Floor Area devoted to any one or combination of uses permitted in the applicable base zoning district [except that such gross floor area in buildings abutting Massachusetts Avenue and/or Main Street between Inman and Pleasant Streets on the west and Columbia and Sidney Streets on the east shall be devoted to one or a combination of the following uses: Residential Uses (Section 4.31); Office and Laboratory Uses (Section 4.34 c and e); Retail, Business and Consumer Service Establishments (Section 4.35)], but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, and shall in addition meet the following conditions:

- (1) At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the abutting Massachusetts Avenue and/or Main Street at the property line except that residential uses may be located no higher than four (4) feet above the mean grade of the abutting street at the property line.
  - (2) The use shall have a minimum depth of twenty (20) feet.
  - (3) Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of fifty (50) percent clear glass.
- b. Prohibited Uses.
- The following uses shall be prohibited in the Central Square Overlay District: (1) Open Air or Drive-In Retail Services, Sections 4.36 b, f, g, h, i,.
- c. Restricted Uses.
- (1) Fast Order Food Establishments (Section 4.35 o) shall be limited to fourteen (14) in the Central Square Overlay District; Section 11.33, shall not apply. No special permit or occupancy permit shall be issued which will permit the number of such establishments in the Central Square Overlay District to exceed fourteen (14).
  - (2) Bar or establishment where alcoholic beverages are consumed and where dancing and entertainment is provided, dance hall or similar place of entertainment; Section 4.35 g shall be permitted only if the principal public entrance or entrances are directly from Massachusetts Avenue or Main Street.

E. Amend Article 14.000 (MXD District), by modifying the text of Section 14.32.1 so that it reads as follows.

#### 14.30 INTENSITY OF DEVELOPMENT REQUIREMENTS

14.32.1 The aggregate gross floor area (GFA) of development in the District shall not exceed 2,773,000 square feet. Aggregate GFA of development in the District is at any time the sum of the GFA (as defined in Article 2.000 of this Ordinance) of all buildings (i) which are then located in the District, (ii) which are being constructed or may be constructed in the District pursuant to then effective building permits, and (iii) which, pursuant to then outstanding contracts (including options) with Cambridge Redevelopment Authority and so stated in certificates from the Authority to the Superintendent of Buildings, may be constructed in the District in the future. Notwithstanding the definition in Article 2.000 for Gross floor Area and the provisions of Section 5.25, parking garages and accessory parking facilities shall be exempt from the requirements as to Floor Area Ratio and shall not be included in the calculation for Gross floor Area on a lot.